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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,380	07/30/2001	Indra Laksono	VIXS.0100090	9961

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EXAMINER

DIEP, NHON THANH

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/918,380	<b>Applicant(s)</b> LAKSONO ET AL.	
	<b>Examiner</b> Nhon T Diep	<b>Art Unit</b> 2613	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                   |                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3; 8/15/2003</u> . | 6) <input type="checkbox"/> Other: ____.                                                |

## DETAILED ACTION

### ***Double Patenting***

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Applicant is advised that should claim 5 be found allowable, claim 11 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Objections***

3. Claim 16 is objected to because of the following informalities: It appears to the examiner that claim 16, line 1, after "to perform" misses a word "conversion from ". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-2, 4-6, 8-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al.

Wang et al discloses a dynamic bit allocation comprising the same method comprising the steps of: receiving a first data stream, wherein the first data stream includes digital video data (fig. 1, input to el. 155); parsing the first data stream using a first data processor to identify a first channel (fig. 1, el. 155), wherein the first channel is a channel of compressed digital video having a characteristic represented by a first value (fig. 3, el. 305: first value characteristic = Q1 of el. 305); receiving data associated with the first channel at a transcoder, wherein the transcoder is dedicated to transcoding video (fig. 3); and generating a representation of the first channel, using the

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transcoder, wherein the representation of the first channel is a channel of compressed digital video having the characteristic represented by a second value (fig. 3, el. 317, Q2 and col. 8, ln. 54-62) as specified in claims 1 and 13; wherein the step of parsing includes using the first data processor, where the first data processor is a general purpose processor, and the step of: receiving data associated with the first channel includes the transcoder being a separate component from the first data processor (fig. 1 and fig. 3) as specified in claim 2; wherein the step of generating further includes the steps of: decompressing the first channel to generate a first intermediate data; wherein the first intermediate data is frequency domain data (fig. 4, output of el. 420); converting the first intermediate data to a second intermediate data, wherein the second intermediate data is time domain data having the characteristic represented by the first value (fig. 4, output of el. 430, Q1); converting the second intermediate data to a third intermediate data having the characteristic represented by the second value (fig. 4, output of el. 225, Q2); and compressing the first channel to generate the representation of the first channel (fig. 4, el. 230) as specified in claim 4; wherein the characteristic is a scale factor or a compression factor (Q factor) as specified in claims 5 and 11-12; wherein the step of receiving includes receiving the first data stream at a first memory; the step of parsing includes storing; the first channel at the first memory; and the step of receiving data associated with the first channel includes accessing the data; associated with the first channel from the first memory (fig. 10) as specified in claim 6; wherein the steps of receiving the first data stream, parsing, receiving data at the transcoder, and generating support a real-time play back of the representation of the first channel (fig.

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10 and the pre-compressed program data may be retrieved from a storage medium 645, such as magnetic tape or compact disc, or may be received real time, e.g., from a satellite transmission 0 as specified in claim 8; wherein the step of receiving data includes receiving data at a transcoder, wherein the transcoder and the first data processor are integrated onto a common substrate (col. 8, ln. 54-62) as specified in claims 9-10; wherein the first processor is a general purpose processor (fig. 1, el. 155) as specified in claim 14; wherein the second processor further includes: a data decompression portion; a scalar; and a data compression portion (fig. 3 and fig. 4, el. 400, 225, 230, 450) as specified in claim 15; wherein the decompression portion includes a portion to perform a frequency domain to a time domain transform (IDCT) as specified in claims 16-17; wherein the decompression portion includes a portion to perform a de-quantization of data (fig. 4, el. 420) as specified in claim 18; wherein the decompression portion includes a portion to perform a DeZigZag of data; a buffered motion predictor (fig. 4, el. 410) as specified in claims 19 and 23-24; wherein the decompression portion includes a motion compensation portion (fig. 4, el. 455) as specified in claims 20-22; wherein the compression portion further includes a portion to perform a time domain to a frequency domain transform (el. 222) as specified in claim 25-26; wherein the compression portion includes a motion vector generator (fig. 4 output of el. 220 to el. 230, also fig. 2, el. 220 and MV) as specified in claim 27; and wherein the motion vector generator includes a buffered motion predictor (el. 250, 255) as specified in claim 28; the second processor is coupled to the first processor through a memory controller and a sequencer (fig. 1 should contain a memory controller and a

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sequencer to differentiate, route different video signals to their respective decoders) as specified in claim 29.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al, in view of Ran et al (US 5,644,361).

As applied to claim 1 above, it is noted that Wang et al does not particularly disclose the step of scaling the first channel to generate a second intermediate data as specified in claim 3. Ran et al teaches the concept of scaling video signals before storing to save memory space. Therefore, it would have been obvious to one of ordinary skill level in the art at the time the invention was made to modify the system of Wang et al by scaling the decompressed signal before recompressing signals again to reduce bandwidth which is always desirable in the pertinent art.

8. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al, in view of Eifrig et al (US 6,748,020).

As applied to claim 1 above, it is noted that Wang et al does not particularly disclose the step of the step of performing error correction and error handling at the first data processor as specified in claim 7. Eifrig et al, (col. 26, ln. 49 – col. 27, ln. 56), teaches the concept of signal error correction. Therefore, it would have been obvious to

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one of ordinary skilled level in the art at the time the invention was made to modify the system of Wang et al by performing error correction and error handling at the receiving side. Doing so would help to recover original and useful signals.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Knee (US 6,323,904) discloses a multifunction video compression circuit.

b. Perlman et al (US 6,141,693) discloses a method and apparatus for extracting digital video data.

c. Chen et al (US 6,259, 741) discloses a method of architecture for converting MPEG-2, 4:2:2 profile bitstreams into main profile bitstreams.

d. Arye (US 6,438,168) discloses a bandwidth scaling of a compressed video stream.

e. Christopoulos et al (US 6,526,099) discloses a transcoder.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ND  
11 June 2004



**NHON DIEP**  
**PRIMARY EXAMINER**